



February 28, 2006

TO: Interested Parties, Practitioners, Local Governments, Industry Associates
FROM: National Marine Fisheries Service (NMFS), Northwest Region
RE: Expanding Scope of the Makah Whale Hunt EIS and Reopening Comment Period

The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS), Northwest Region, is currently conducting an environmental review under the National Environmental Policy Act of the Makah Indian Tribe's request to conduct limited treaty right hunting of gray whales. We previously opened a 60-day public comment period from August 25, 2005 to October 24, 2005 by publishing two notices of intent to prepare an Environmental Impact Statement (EIS) (70 FR 49911, Aug. 25, 2005 and 70 FR 57860, Oct. 4, 2005). The proposed action at that time was to: (1) waive the moratorium on take of marine mammals under Section 101(a)(3)(A) of the Marine Mammal Protection Act (MMPA), and subsequently (2) promulgate hunting regulations implementing the waiver in accordance with Section 103 of the MMPA, and (3) issue any necessary permit(s) for hunting. We solicited written comments and held three public scoping meetings in Washington State and one in the Washington, D.C. area. We specifically asked for public input on the scope of the EIS, including the range of reasonable alternatives and affected resources.

During the public comment period, we received many comments on the quota granting and issuance processes of the International Whaling Commission and the Whaling Convention Act. In response to these comments, we are expanding the scope of the EIS beyond the waiver of the MMPA moratorium on taking marine mammals. We now intend to review the effects of issuing quotas to the Makah under the Whaling Convention Act. We believe that waiving the MMPA moratorium, and issuing quotas under the Whaling Convention Act, can be most adequately addressed in a single EIS because the Makah could not hunt without receiving NMFS' authorization under both statutes.

We invite all interested parties to comment on our expansion of the scope of the EIS, and request that your comments be as specific as possible to inform our analysis. Written or electronic comments must be received by no later than 5:00 p.m. PST on March 29, 2006. Comments sent via mail should be addressed to: Kassandra Brown, NMFS Northwest Region, Building 1, 7600 Sand Point Way NE, Seattle, WA 98115. Comments may also be sent via fax to (206) 526-6426 Attn: Makah Whale Hunt EIS, or by e-mail to MakahEIS.nwr@noaa.gov with the subject line containing the document identifier "Makah Whale Hunt EIS."

For more information on the Makah Whale Hunt EIS, please see the relevant Federal Register notice (71 FR 9781, Feb. 27, 2006) and other materials posted on NMFS Northwest Region's website at <http://www.nwr.noaa.gov/Marine-Mammals/Whales-Dolphins-Porpoise/Gray-Whales/Makah-Whale-Hunt.cfm>.